

# In the United States Court of Federal Claims

No. 97-582 C  
(Filed: September 26, 2012)

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**ALGONQUIN HEIGHTS  
ASSOCIATES L.P., et al.,**

Plaintiffs,

v.

**THE UNITED STATES,**

Defendant.

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*Harry J. Kelly, Nixon Peabody LLP, Washington, D.C., for Plaintiffs.*

*David A. Harrington, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, D.C., for Defendant.*

## OPINION

**DAMICH**, Judge:

The parties have each filed motions for summary judgment on the issue of ripeness in this case. The court has reviewed the briefs of the parties and finds that the arguments presented are almost precisely identical, and certainly identical in every material respect, to those presented in similar motions on ripeness in the companion case to this case, that of *Anaheim Gardens, et al. v. United States*, # 93-655 C.

For the reasons expressed in the court's decision in that case, issued contemporaneously hereto, the court denies the Government's motion for summary judgment on ripeness, except as to any properties, if any, that do not meet either of the first two tests of Mr. Smith's calculations. The court similarly denies Plaintiffs' motion for summary judgment.

s/ Edward J. Damich \_\_\_\_\_  
EDWARD J. DAMICH  
Judge